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| 10/777,870      | 02/12/2004  | Dennis Steven DeLorme | ROC920040005US1     | 6113             |

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| EXAMINER |
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KIM, PAUL

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| ART UNIT | PAPER NUMBER |
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2161

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04/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/777,870 | <b>Applicant(s)</b><br>DELORME ET AL. |  |
|                              | <b>Examiner</b><br>PAUL KIM          | <b>Art Unit</b><br>2161               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office action is responsive to the following communication: Amendment filed on 18 December 2007.
2. Claims 1-7 and 16- 27 are pending and present for examination.

### ***Response to Amendment***

3. No claims have been amended.
4. No claims have been cancelled.
5. No claims have been added.

### ***Specification***

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to provide antecedent basis for a "tangible computer readable medium" as recited in claim 16.

### ***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claims 16 and 21** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is noted that the limitations of the claims may be considered to be software, per se, since the claims fail recite a functional interrelationship between the computer software (i.e. a program product) and hardware components which permit the software's functionality to be realized. Since a computer program is merely a set of instructions capable of being executed by a

program, the computer program itself is not a process and is nonstatutory functional descriptive material. See State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. MPEP 2106. "The claimed invention as a whole must accomplish a practical application. That is, it must produce a 'useful, concrete and tangible result'" (emphasis added).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-7 and 16-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al (U.S. Patent No. 6,785,693, hereinafter referred to as DeLorme), filed on 2 February 2001, published on 8 August 2002, and issued on 31 August 2004.

11. **As per independent claims 1, 16, 21, 21, and 22**, DeLorme discloses:

A method for maintaining a data structure corresponding to an object having a first link from a first directory and a second link from a second directory in a filesystem, the object to which the data structure corresponds being selected from the group consisting of a file and a directory in the filesystem, the first and second directories being parent directories to the object to which the data structure corresponds {See DeLorme, Figure 3}, the method comprising the steps of:

storing in the data structure {See DeLorme, C7:L27-30, wherein this reads over "[t]he operating system establishes a master OATE in the directory object that is the first directory to link to the file"; C36-40, wherein this reads over "[t]he address of the file 370 and all attributes of the file 370 are stored in the master OATE 314"} a first anchor point that references the first directory, said first directory being of a first filesystem implementation {See DeLorme, C7:L29-36, wherein this reads over "the directory object A 310 was the first directory to link to the stream file 370"}; and

storing in the data structure a second anchor point that references the second directory, said second directory being of a second filesystem implementation different than the first {See DeLorme, C7:L63-66, wherein this reads over "[t]he master OATE 314 points to all the slave OATES 326, 336, as represented by the dotted lines 352, 354, 356 of FIG. 3 and the slave OATES 326, 336 may or may not point to other slave OATES"}.

12. **As per dependent claims 2, 17, and 23, DeLorme discloses:**

The method of claim 1, wherein the object is a file {See DeLorme, C6:L45-51, wherein this reads over "an object is anything that exists in and occupies space in storage and on which operations can be performed, for example, programs, files, libraries, directories, and folders"}.

13. **As per dependent claims 3, 18, and 24, DeLorme discloses:**

The method of claim 1, wherein the object is a directory {See DeLorme, C6:L45-51, wherein this reads over "an object is anything that exists in and occupies space in storage and on which operations can be performed, for example, programs, files, libraries, directories, and folders"}.

14. **As per dependent claims 4, 19 and 25, it would be inherent to the claimed invention that wherein the directory is found in a filesystem, the directory is of the first filesystem implementation.**

15. **As per dependent claims 5, 20 and 26, DeLorme discloses:**

The method of claim 4, wherein the first link from the first directory to the object is a directory link {See DeLorme C7:L21-C8:L13}

the second link from the second directory to the object is a file link {See DeLorme C7:L21-C8:L13}

16. **As per dependent claim 6, DeLorme discloses:**

The method of claim 1, further comprising the steps of:

receiving a request for information about the first link {See DeLorme, Figure 3}; and

in response to the request, using the first anchor point when retrieving the information {See DeLorme, Figure 3}.

17. **As per dependent claims 7 and 27, DeLorme discloses:**

The method of claim 1, further comprising the steps of:

receiving a request for information about the object {See DeLorme, Figure 3};

selecting the first anchor point instead of the second anchor point to respond to the request {See DeLorme, Figure 3}.

***Response to Arguments***

18. Applicant's arguments filed 18 December 2007 have been fully considered but they are not persuasive.

a. Rejections under 35 U.S.C. 103(a)

Applicant asserts the argument that "DeLorme fails to disclose, among other items, two filesystems with different filesystem implementations." See Amendment, page 3. The Examiner respectfully disagrees. It is noted that DeLorme discloses multiple filesystems (e.g. Directory Objects A, B, and C), in Figure 3, each of which contains its own OAT. Wherein each Directory Object is directed to a specific directory object, each directory object may be considered a separate and different filesystem. That is, wherein a "filesystem" is commonly-known to one of ordinary skill in the art simply as a method of storing and organizing data files, the directory objects disclosed by DeLorme would read upon a plurality of filesystems. Furthermore, wherein the sizes of the directory objects need not be identical, said directory objects would be different from the other. See DeLorme, col. 7, lines 2-5. Accordingly, it is noted that DeLorme indeed does disclose a plurality of filesystems with different filesystem implementations.

Applicant asserts the argument that "DeLorme also fails to disclose two anchor points linking an object to the two filesystems." See Amendment, page 3. The Examiner respectfully disagrees in that Figure 3 of DeLorme discloses a Master OATE of Directory Object A pointing to both the Slave OATEs of Directory Object B and Directory Object C. Accordingly, DeLorme indeed does disclose the linking of an object (i.e. Master OATE of Directory Object A) to two filesystems (i.e. Directory Objects B and C).

For the reasons stated above, the rejections under 35 U.S.C. 102 are sustained.

***Conclusion***

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL KIM whose telephone number is (571)272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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